

### **REMARKS/ARGUMENTS**

The final Office Action of April 4, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 45 and 46 have been withdrawn. Claims 1-10, 18-21 and 38-40 remain pending. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

#### ***Claim Rejections Under 35 U.S.C. §103(a)***

Claims 1-8, 10, 18-21 and 38-40 stand rejected under 35 U.S.C. §103(a) for being unpatentable over Tegler *et al.* (U.S. Patent No. 6,606,481) in view of Yost *et al.* (U.S. Patent No. 6,567,796, hereinafter "Yost"). Claim 9 stands rejected under 35 U.S.C. §103(a) for being unpatentable over Tegler in view of Yost and further in view of Yuen (WO 00/18123). These rejections are respectfully traversed for the following reasons.

Independent claims 1 and 18 relate to, *inter alia*, a mobile terminal having a first receiver configured to receive a first signal and a second receiver configured to receive complementary information associated with the first signal. Further, the mobile terminal determines a receiving schedule of the first receiver based on the complementary information received by the second receiver. Nowhere does either Tegler or Yost, either separately or in combination, teach or suggest such a feature. The Office Action concedes that Tegler does not disclose wherein the mobile terminal determines a receiving schedule of the first receiver based on the complementary information. However, the Action alleges that Yost teaches such a feature and that it would have been obvious to one of ordinary skill in the art to combine the teachings of Tegler and Yost. Even assuming, without admitting, that the alleged motivation is valid, Applicants respectfully submit that Yost does not teach or suggest the recited features of claims 1, 18 and 38. The Office Action cites col. 5, line 64 – col. 6, line 13 of Yost, in support of the rejection. However, the cited passage merely discloses a broadcast module that enables users to define services that are to be run against an OLAP system based on a predetermined schedule. Not only does Yost lack any teaching or suggestion that the broadcast module constitutes a

mobile terminal or a first receiver thereof,<sup>1</sup> Yost also fails to teach or suggest a receiving schedule. That is, Yost does not teach or suggest that a predetermined schedule for running user defined services equates to a receiving schedule. In fact, Yost states that “a ‘service’ as used herein should be understood to include one or more reports that are scheduled to be run against data warehouse 12.” Col. 6, ll. 6-9. There is simply no teaching or suggestion in Yost of a mobile terminal determining a receiving schedule of a first receiver (of the mobile terminal) based on complimentary information received by a second receiver of the mobile terminal. As such, claims 1 and 18 are allowable for at least this reason.

Independent claim 38 recites, *inter alia*, “receiving with said mobile terminal a second signal conveying complementary information relating to the communication service included in said first signal..., wherein the mobile terminal determines a receiving schedule based on the complementary information.” The Office Action concedes that Tegler does not disclose such a feature. Yost fails to cure this deficiency. As discussed previously with respect to claims 1 and 18, Yost is directed to a system for running reports against a data warehouse and reporting such information to one or more subscribers. Yost lacks any teaching or suggestion of determining a *receiving* schedule, much less that a mobile terminal determines such a receiving schedule from complementary information. Claim 38 is thus allowable for at least this reason.

Claim 9 is dependent on claim 1 and thus incorporates all of the features of claim 1. As previously discussed, neither Tegler nor Yost, either separately or in combination, teaches or suggests the feature of a mobile terminal determining a receiving schedule of a first receiver of the mobile terminal based on the complementary information received by a second receiver of the mobile terminal. Yuen does not cure this deficiency. Yuen generally describes a system for two-way communication between a television viewer operating a remote control unit and a television signal or other information provider located at a central site. Abstract. More specifically, Yuen discloses a remote control unit that communicates with an I/R receiver of a set-top box. p. 4, ll. 16-23. Yuen’s set-top box further includes a pager receiver for receiving information from a data network. p. 2, line 35 – p. 3, line 6. However, Yuen is devoid of any

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<sup>1</sup> At most, Yost discloses that users may use a variety of user devices such as a mobile telephone to define services through the broadcast module. Col. 5, line 61 – Col. 6, line 6. However, there is no teaching or suggestion that the broadcast module, itself, is a mobile device.

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teaching or suggestion of a receiving schedule for either of the two above mentioned receivers.  
For at least the foregoing reasons, claim 9 is allowable.

Claims 2-8, 10, 19-21, 39 and 40 are dependent on their respective base independent claims and are thus allowable for at least the same reasons as those base independent claims and further in view of the novel and non-obvious features recited therein.

### CONCLUSION

All rejections having been addressed, Applicants respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated this 20 day of June, 2006

By: \_\_\_\_\_



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